

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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TWENTY-SIXTH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 6, 2009

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 58 members present.

Absent and excused – Anderson, Henderson, Jaquet, Labrador, Lake, Loertscher, Roberts, Ruchti, Schaefer, Shepherd(02), Smith(24), Takasugi. Total – 12.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Madeleine Fehlman, Page.

### Approval of Journal

February 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 5, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1016](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1016](#) and, when so signed, ordered it returned to the Senate.

February 5, 2009

Mr. Speaker:

I transmit herewith [S 1015](#), [S 1003](#), [S 1004](#), [S 1007](#), [S 1018](#), and [S 1019](#) which have passed the Senate.

WOOD, Secretary

[S 1015](#), [S 1003](#), [S 1004](#), [S 1007](#), [S 1018](#), and [S 1019](#) were filed for first reading.

### Report of Standing Committees

February 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 10](#), [HCR 11](#), [H 65](#), [H 66](#), [H 67](#), [H 68](#), and [H 69](#).

CLARK, Chairman

[HCR 10](#), [H 66](#), and [H 67](#) were filed for second reading.

[HCR 11](#), [H 65](#), [H 68](#), and [H 69](#) were referred to the State Affairs Committee.

February 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 5, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 18](#) and [H 19](#) and recommend that they do pass.

NONINI, Chairman

[H 18](#) and [H 19](#) were filed for second reading.

February 5, 2009

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 31](#) and recommend that it do pass.

STEVENSON, Chairman

[H 31](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 70 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT  
RELATING TO THE SEXUAL OFFENDER REGISTRATION ACT; AMENDING SECTION 18-8310, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RELEASE OF A PERSON FROM REGISTRATION REQUIREMENTS.

#### HOUSE BILL NO. 71 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO CRIMINAL HISTORY RECORDS AND CRIME INFORMATION; AMENDING SECTION 19-2604, IDAHO CODE, TO PROVIDE THAT THE DISCHARGE OF A DEFENDANT SHALL NOT RESULT IN THE EXPUNGEMENT OF THE DEFENDANT'S CRIMINAL HISTORY RECORD.

**HOUSE BILL NO. 72**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO DISPOSITION OF FINES, FORFEITURES, AND COSTS; REPEALING SECTION 19-4701, IDAHO CODE, RELATING TO FINES, FORFEITURES, AND COSTS, DISPOSITION, AND SATISFACTION OF JUDGMENT.

**HOUSE BILL NO. 73**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO PROSECUTING ATTORNEYS; AMENDING SECTION 31-2606, IDAHO CODE, TO PROHIBIT DIVERSION OF PUBLIC MONEYS IN SETTLING PROSECUTIONS, TO UPDATE LANGUAGE AND TO PROVIDE FOR PENALTIES.

**HOUSE BILL NO. 74**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO THE MANAGED CARE REFORM ACT; AMENDING SECTION 41-3902, IDAHO CODE, TO PROVIDE FURTHER LEGISLATIVE INTENT; AMENDING SECTION 41-3927, IDAHO CODE, TO PROVIDE CERTAIN CONTRACTUAL OBLIGATIONS OF A MANAGED CARE ORGANIZATION; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 75**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO LIFE SETTLEMENTS; AMENDING CHAPTER 19, TITLE 41, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 41-1950 THROUGH 41-1965, IDAHO CODE, TO PROVIDE A SHORT TITLE AND SCOPE, TO DEFINE TERMS, TO REQUIRE LICENSURE, TO MANDATE THE FILING OF CONTRACTS AND DISCLOSURE STATEMENTS, TO DESCRIBE REPORTING REQUIREMENTS AND TO PROTECT PRIVACY, TO PROVIDE FOR THE EXAMINATION OF LICENSEES, TO PROVIDE FOR RECORDKEEPING REQUIREMENTS, TO SPECIFY DISCLOSURES TO BE MADE TO THE OWNER UPON APPLICATION, TO SPECIFY REQUIRED DISCLOSURES, TO REQUIRE CERTAIN NOTICES, TO SET FORTH GENERAL RULES GOVERNING THE TRANSACTION OF LIFE SETTLEMENTS, TO DESCRIBE PERMISSIBLE LIFE SETTLEMENTS AND RELATED DOCUMENTATION REQUIREMENTS, TO PROHIBIT CERTAIN PRACTICES AND CONFLICTS OF INTEREST, TO PROHIBIT MISLEADING ADVERTISING, TO PROVIDE PENALTIES, TO AUTHORIZE RULEMAKING AND TO PROVIDE FOR SEVERABILITY.

**HOUSE BILL NO. 76**  
**BY BUSINESS COMMITTEE**

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1316A, IDAHO CODE, TO PROVIDE THAT CERTAIN EMPLOYMENT RELATING TO THE SELLING OR SOLICITING OF SALE OF CONSUMER PRODUCTS, INCLUDING SERVICES AND OTHER INTANGIBLES, SHALL BE CONSIDERED EXEMPT EMPLOYMENT AND TO SPECIFY CONDITIONS.

H 70, H 71, H 72, H 73, H 74, H 75, and H 76 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1015, by Schroeder, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1003, S 1004, and S 1007, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1018 and S 1019, by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

HCR 9, by Education Committee, was read the second time by title and filed for third reading.

H 61, by Appropriations Committee, was read the second time by title and filed for third reading.

H 64, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 34 and H 37, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

H 9, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that H 28 retain its place on the Third Reading Calendar until Monday, February 9, 2009. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 9, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 9:14 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:  
 BONNIE ALEXANDER, Chief Clerk